

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2 -----X
KWAINE THOMPSON,

3 PLAINTIFF,

4 -against-

Case No.:

22 Civ. 01458 (CM)

5
6 CITY OF NEW YORK, CORRECTION OFFICER KATRESE BRUMFIELD,
CORRECTION OFFICER JESSICA SIMMONS, CAPTAIN DEBBIE
7 PALMER-CAMPBELL, CORRECTION OFFICER TIFFANY FRANCIS,
CORRECTION OFFICER CHANDRA DAVIS, and CAPTAIN TONY
8 MONTAGUE,

DEFENDANTS.

9 -----X
10 DATE: October 13, 2023

11 TIME: 9:04 A.M.

12
13 VIDEOCONFERENCED DEPOSITION of the Plaintiff,
14 KWAINE THOMPSON, taken by the Defendants, pursuant to a
15 Court Order and to the Federal Rules of Civil Procedure,
16 held before Robin Kay Lim, a Notary Public of the State
17 of New York.

K. THOMPSON

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1 Q All right. Now, have you ever used any other
2 Social Security number?

3 A No.

4 Q And have you ever used any other date of
5 birth?

6 A No.

7 Q And what is your approximate height and weight
8 today?

9 A Six-one, 230.

10 Q And in 2021, were you approximately the same
11 height and weight?

12 A I was heavier.

13 Q Do you know approximately what you were
14 weighing then?

15 A Probably like 250.

16 Q And are you currently married?

17 A No.

18 Q Have you ever been married?

19 A No.

20 Q And do you have any children?

21 A Yes?

22 Q How many children do you have?

23 A Four.

24 Q And what are their ages?

25 A 32, 26, 24, 21.

K. THOMPSON

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1 Q And did you attend any high school?

2 A Yes.

3 Q And what high school did you attend?

4 A Westscott High School.

5 Q What county or borough is that high school
6 located in?

7 A Manhattan.

8 Q Did you graduate?

9 A No.

10 Q And what year was the last year you were
11 there? If you remember.

12 A Probably '91.

13 Q Did you ever obtain a GED after?

14 A Yes.

15 Q And do you know when you obtained that?

16 A When I was about 19, 20.

17 Q And did you attend any college after that?

18 A Yes.

19 Q What college did you attend?

20 A CUNY City.

21 Q I'm sorry?

22 A Manhattan.

23 Q Did you graduate from that college?

24 A No.

25 Q Do you know what the last year you completed

K. THOMPSON

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1 happened or did you sit down?

2 A I was standing. I was standing.

3 Q So can you just kind of --

4 MR. ACCARINO: Actually, withdrawn.

5 Q Was this the first time you had interacted
6 with Officer Brumfield?

7 A No, this was not the first time I interacted
8 with her.

9 Q Okay. Did you know who she was before that
10 date?

11 A No, I did not know. I did not know who she
12 was. All I knew is that she was working in the clinic.

13 Q Okay.

14 A I went to the clinic. That's where I saw her
15 at.

16 Q And, I guess, had you ever spoken to Officer
17 Brumfield that day?

18 A She spoken to me a few times, yes.

19 Q So it's fair to say you had seen her before
20 that day?

21 A Yes.

22 Q And so she walks you -- so the door was closed
23 to the X-ray room. What was the first thing that was
24 said to you?

25 A Say that again.

K. THOMPSON

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1 sex, did she physically put her mouth on your penis?

2 A Yes. This is very, very traumatizing for me,
3 these questions. I try to black that out my mind. I
4 been sexually abused all my life, so, yes, these
5 questions are -- the sex part, everything is recorded.
6 The videos should be there.

7 Q Again, with these questions, my intention is
8 not to embarrass you. I just have to -- as in the
9 lawsuit, just physically -- unfortunately, physically
10 just understand exactly what happened, so if there's
11 anything --

12 A Okay.

13 Q At any time you need a break, just feel free
14 to let me know.

15 So when she did that, do you know how long
16 that lasted for?

17 A No, it seemed like forever, but I do not know
18 the time.

19 Q Okay. When that was going on, did she say
20 anything?

21 A No.

22 Q Did you say anything?

23 A No.

24 Q And did you do anything?

25 A No.

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1 left the X-ray room, where did you go?

2 A Oh, I went to wait for the escort officer to
3 bring me back to my clinic -- I mean, back to my housing
4 unit.

5 Q Where, I guess, in the clinic did you go to
6 wait for your escort officer?

7 A Where I was sitting, in the main -- they had a
8 main intake area where inmates sit at.

9 Q And do you know how long you waited there.

10 A No, I do not.

11 Q At that point, did you tell anyone what
12 happened?

13 A Yes, I did.

14 Q And who did you tell what happened?

15 A I told Captain Montague. I told CO Davis and
16 I told -- I think that's it. I called -- I called the
17 hotline, the PREA hotline and I told them. And I also
18 told the doctor and I also told the psychiatrist. The
19 psychiatrist is the one that recommended that I get a
20 STD test, and that's how I found out this officer gave
21 me chlamydia.

22 Q I just want to walk through kind of what you
23 told me. So you mentioned that you went back to the
24 main clinic.

25 Did you tell Officer Montague and Davis what

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1 And I wakes up around 9:00 and I just happened to glance
2 in the logbook and I see my name.

3 And I asked the white male officer who was on
4 duty how can my name get in there. He said this lady
5 came and said that you refused to go to the clinic with
6 her and you're only going with Ms. Simmons. And I said
7 I didn't speak to no lady. He said -- no. Well, I said
8 she lied.

9 She came back and when I confronted her about
10 why she did that, she said I better not be giving her
11 dick to nobody in front of the whole housing unit and in
12 front of the white officer. And the whole house got
13 quiet and she said, "I send your ass to the box right
14 now," and she stormed off the unit.

15 That's when I got scared. That's when I
16 called PREA and sought some type of protection.

17 Q Okay. Did that incident happen the same day
18 Officer Brumfield was with you in the X-ray room?

19 A No, no, no, no. That wasn't the same. I
20 don't know how many days it was apart, but it was
21 afterwards.

22 Q Okay. Yeah, I just want to clarify that. So
23 the incident you just described, did that happen after
24 the incident in the X-ray room?

25 A Yes, afterwards.

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1 Q Okay. Do you know approximately how many
2 days?

3 A I -- I don't know. I don't know.

4 Q And you mentioned there was a white officer in
5 the room?

6 A Yes.

7 Q Do you know what his name was, by any chance?

8 A I do not know his name, but Rikers Island
9 VCBC, they all got cameras. Mid-State is the only jail
10 that don't got no cameras, but Rikers Island has cameras
11 in the housing unit and outside in the hallway area.
12 That's easy to find out who's on duty that day.

13 And the investigators also took pictures of
14 the logbook of who was on duty, so I don't know the
15 white guy's name, but he was there that day.

16 Q And on some of the paperwork I've seen the
17 name Officer Kingly or Kingsley.

18 A I think that's his name. I think that's his
19 name.

20 Q And the white officer, was he an officer who
21 was in the room or in the control room?

22 A Yes, he was in the room, which he came in the
23 room. He's the one that told me this is the one that
24 wrote that entry inside the logbook.

25 Q So I just kind of want to walk through just

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1 Q When you said she was cursing and screaming,
2 do you remember what she said?

3 A I remember this. I better not give her dick
4 to nobody else.

5 Q Other than that, do you remember anything else
6 she said?

7 A No.

8 Q When she said that, did you say anything in
9 response?

10 A No, I immediately got scared and knew that I
11 had to call PREA.

12 Q And did she say anything after that?

13 A No, she just left.

14 Q You mentioned other inmates were present?

15 A Yes.

16 Q Were they present for that whole interaction?

17 A Yes, from the cameras, it was about 50 guys up
18 at that time in the morning.

19 Q Did they say anything when this occurred?

20 A Yes, they couldn't believe they ears.

21 Q After you left, what did you do?

22 A I got on the phone. I immediately had to make
23 a decision where I have to alert somebody before I go to
24 the box for no reason.

25 Q Do you know who you called?

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1 A Yes.

2 Q Do you remember what you said to him?

3 A I just asked him how is the investigation is
4 going and am I safe to be on this boat. I was worried
5 about my safety.

6 Q And did he say anything to you in response?

7 A He just laughed it off, like he downplayed it,
8 like it's not happening.

9 Q Do you remember what he said specifically
10 other than laughing?

11 A No, no, I don't. I don't remember what he
12 said specifically.

13 Q And how did that make you feel when you heard
14 that?

15 A It make me feel let down.

16 Q Do you know how long after the incident you
17 spoke to Captain Montague the second time?

18 A No, I don't. I don't remember, but, again,
19 the whole building is video-recorded. It's got
20 surveillance, so --

21 Q And did you ever see that -- sorry. Did you
22 ever see that doctor or psychiatrist ever again?

23 A No, I never saw them again in my life.

24 Q And is it fair to say that doctor and
25 psychiatrist were not your regular doctor and

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1 assault in custody?

2 A No, I've been assaulted numerous times
3 throughout my many stints in Rikers Island.

4 Q We're going to go into some of the others that
5 you mentioned in this lawsuit. Was Officer Brumfield
6 the first sexual assault incident or were there others
7 before?

8 A No, not in my life. Not in my life, no.

9 Q Was Officer Brumfield the first sexual assault
10 incident while in DOC custody?

11 A No, not in my life.

12 Q And I'm -- just to be clear, I'm just talking
13 about incidents while in Department of Corrections
14 custody.

15 A Yes, I've been in Department of Corrections
16 over probably 20 times and it's happened to me numerous
17 times.

18 Q And in the time period you are describing when
19 you were in custody since 2009 -- I'm sorry, 2019, was
20 this incident with Officer Brumfield the first sexual
21 assault incident while in custody since 2019?

22 A Yes.

23 Q And then prior to the incident in the X-ray
24 room, did you have any conversations with Officer
25 Brumfield?

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1 A Yes.

2 Q And, again, I'm talking about prior to the
3 sexual assault incident you described.

4 A Yes.

5 Q And do you know what you spoke to her about?

6 A She just told me I'm a handsome man. I'm her
7 type. Do I got a girl that come visit me. "What do you
8 like to eat." Did I smoke cigarettes.

9 Q And do you know where you were when she said
10 that to you?

11 A I was in the main clinic.

12 Q And how much longer -- I guess how many days
13 prior to the incident in the X-ray room did she say that
14 to you?

15 A I'm not sure about the dates.

16 Q And what did you say in response?

17 A I told her everything that she asked me.

18 Q I guess what was that like? What were your
19 answers?

20 A What kind of cigarettes do I smoke, I told her
21 Newports. Do I do drugs, I told her weed. Do I have a
22 girlfriend, nothing serious. And that's it.

23 Q And then after that, had you spoken to her
24 before the -- I guess from the conversation you
25 described to the incident you described in the X-ray

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1 then the instance with Officer Brumfield in the X-ray
2 room.

3 A Yes.

4 Q Are there any other instances?

5 A I made -- I made complaints on other officers
6 and I was scared for my life, because I was in the box
7 and I was told that I cannot come out my cell unless I
8 performed sexual activities for a gay man, a gay officer
9 and his buddies.

10 This is on Rikers Island in GRVC. It's going
11 to be proven through video, videotape.

12 There's five people locked in 24 hours out of
13 the day in the cell. I'm the only one out of the cell
14 at least 11 hours every day, and I wasn't supposed to
15 have a phone in my cell and I was granted a phone to be
16 in my cell 24 hours.

17 And I also wasn't allowed to call using my pin
18 number, and the captain bought me down to the intake and
19 told me to activate other people inmates' pin numbers
20 for complying with this sexual escapade. This is in
21 GRVC.

22 Q And I guess just to be clear, I'm not sure
23 if -- I don't think that's part of this lawsuit, because
24 I know Officers Palmer, Simmons and Brumfield are named
25 in this lawsuit.

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1 Q Do you know how many times before the date of
2 the incident?

3 A Probably 20 times.

4 Q So had you ever had conversations with her
5 before?

6 A Yes.

7 Q And what type of conversations?

8 A Sexual in nature.

9 Q Like, what would you say to her?

10 A Now, I wasn't saying nothing to her. She
11 would say it to me.

12 Q Oh.

13 A She would tell me about her sex life with her
14 boyfriend, the sex life at the gym, the sex life with
15 another woman and how she like to be bisexual. That's
16 it.

17 Q And when she would tell you these things, was
18 this en route to the clinic or somewhere else?

19 A En routes to the clinic. Normally on the
20 elevator.

21 Q And when she would say these things, would it
22 be just you and her on the elevator or were other
23 people --

24 A Just me. Just me and her.

25 Q So when she said that, no one else would be

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1 and year that surgery occurred?

2 A No, I do not, but I'm sure you have my medical
3 record there. I went to Lincoln Hospital. I was there
4 for ten days.

5 Q And so I guess I want to go back. Also you
6 mentioned previously that you had an STD check after the
7 incident with Ms. Brumfield.

8 A Yes.

9 Q Did you ever find the results of that test?

10 A Yes.

11 Q What were the results?

12 A Chlamydia.

13 Q And who told you that?

14 A The doctor.

15 Q Was that the doctor or the psychologist you
16 mentioned before or a new doctor?

17 A No, no, it was a different doctor.

18 Q Do you know that doctor's name?

19 A No.

20 Q Had you ever met that doctor before?

21 A No.

22 Q Can you describe him? Was it male, woman, a
23 race?

24 A I'm not sure man or woman or the race, but I
25 remember it came out UTI, urinary tract. Urinary tract

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1 got something over everybody's head in this building.

2 He said if I complied, he's going to put me on
3 to a few officers who is down with it, and a few
4 captains and a few deps, and even the warden. The
5 warden's name was Renee.

6 And he says to me that as long as you comply,
7 you would always be out your cell. You would never --
8 it was five inmates in a cell, and he said I will make
9 sure you -- your cell is open all day and I will make
10 sure that you have a phone in your cell 24 hours. You
11 sleep with the phone and I will also give you other
12 inmates' pin numbers. You can activate -- voice
13 activate these people's pin numbers.

14 And if you ever break the deal, if you ever do
15 not do what I ask you sexually for Captain Palmer or any
16 officers in here that's down with that program, that I
17 would be locked up immediately back in my cell. The
18 phone would be taken away from me and I would not be
19 allowed to get any more visits from my family.

20 The judge didn't order that, but a few months
21 into it, I got really annoyed and I backed out the deal,
22 and that's when I called Palmer-Campbell and when I
23 called, I -- immediately, retaliation happened. I was
24 locked in my cell. All this is recorded.

25 Q Mr. Thompson, I just asked you -- you went

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1 a visiting floor, but your family will talk to you
2 through a glass. You will never be able to touch your
3 family again."

4 So I stayed in West Facility for I don't know
5 how long. Probably three weeks, four weeks and I told
6 them I give up, please move me back to GRVC. I won't
7 tell. I will comply and that's exactly what they did.
8 They moved me back to GRVC. I told them I need my
9 visits back. I need to see my family and they gave it
10 back.

11 Q I want to ask you about the sexual assault
12 allegation that you are bringing against
13 Palmer-Campbell.

14 A Oh, yes.

15 Q Do you mind just walking me through what
16 happened?

17 A Oh, yes, yes, yeah, yeah. All right. It was
18 a day that I had to go to see a psych at about 10:30 at
19 night, and the doctor that was on, this is just before
20 the next shift change, and she was hungry and she -- she
21 told me no, the doctor told her, "Do not let Thompson
22 leave this clinic under no conditions."

23 At 12:00, the doctor said, "I'm leaving now."
24 He said, "At 12:00, Thompson is going to go at midnight.
25 Thompson is going to go to C-71, mental health unit.

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1 morning.

2 Q You mentioned you went over onto a bed and
3 went to sleep?

4 A Yes.

5 Q And what's the next thing you remember
6 happening?

7 A I remember her touching me and feeling wetness
8 on my mouth, and looking and seeing the tip of my dick
9 in her mouth.

10 Q So is that how you were woken up?

11 A Yes.

12 Q Were you lying flat on a table?

13 A Sideways. I know I was tossing and turning,
14 but then when I woke up and caught her like that, she
15 says, "Thompson, I'm hungry. Can you" -- "can we go
16 back to your housing area?"

17 I told her, I said, "I cannot leave this
18 clinic. You heard what the doctor said." She was
19 persistent on going back to my housing unit.

20 Q You mentioned you woke up. When you woke up,
21 was your penis in her mouth?

22 A Yes.

23 Q And do you know how --

24 A It was wet. It was wet. The tip of it was
25 wet. Was wet. I felt it with my hand.

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1 A No, no inmates walked back. And I told you
2 it's five inmates that we all in a box. We in the cell
3 23 hours out the day, so when I went to the housing
4 unit, one inmate was up standing on his door, cell door,
5 looking out, looking at me coming in there.

6 Q And when Ms. -- when Captain Palmer did this
7 to you in the clinic, was any other officers or inmate
8 around?

9 A No, I don't think nobody else was in the
10 clinic. I think it was just nurses that night.

11 Q Could anybody see what happened?

12 A I'm not sure, but I'm sure they got cameras in
13 the clinic that will show her coming into the cubicle
14 where I'm at.

15 Q While you were in the clinic, did you tell
16 anybody what happened or report what Captain Palmer did?

17 A No.

18 Q And then you mentioned you walked back with
19 Captain Palmer to the housing unit. During that time,
20 did she make any physical contact with you?

21 A No.

22 Q Okay. And then back in the housing unit, what
23 did she say to you?

24 A That I would not be going to see a doctor at
25 all at this time. "I don't care what the doctor say."

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1 missing because you made this report.

2 And I was being totally retaliated against and
3 there was no officer, PREA officer to come check with me
4 just in case of retaliation.

5 Q So going into that --

6 A Yes.

7 Q -- you mentioned you called PREA. Do you know
8 if you spoke to somebody or if you left a voicemail?

9 A Yes, I have spoke to numerous investigators
10 and I told them all about day 1 of what happened to me
11 when I went to GRVC. All the months that I stayed
12 there, all the things that I have to do to receive a
13 phone in my cell for 24 hours, against the judge's
14 orders for me to stay out my cell, out the cell for at
15 least 12, 15 hours out the day. Free pin number. Free
16 pin numbers, extra food, weed, tobacco, all the stuff
17 that was given to me.

18 But once I told them I made that call, then
19 retaliation happens. I get moved. My visits get ended.
20 My visitors can't come see me no more. It was very
21 horrible and all this is documented.

22 And once I complied with West Facility, I told
23 them I can't take it no more, I need to see my family,
24 they moved me back and they gave me back my privileges.
25 They gave me a phone again and they let me out my cell

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1 Q So I'm going to be starting with physical
2 injuries, but the incident with Officer Brumfield, did
3 you suffer any physical injuries from that incident?

4 A Yes.

5 Q And what are they?

6 A Pain and discomfort.

7 Q Okay. And how long --

8 MR. ACCARINO: Well, withdrawn.

9 Q Where did you suffer the pain?

10 A Penis.

11 Q Okay.

12 A And scrotum.

13 Q I'm sorry. Penis and what?

14 A Scrotum and -- and -- and my stomach. The
15 urinary tract hurt my bladder.

16 Q And I guess as well, would you attribute the
17 urinary tract infection to this incident?

18 A Yes, yes.

19 Q You mentioned that there was pain to your
20 penis and scrotum?

21 A And stomach area. And stomach area.

22 Q Is all of that pain from the urinary tract
23 infection?

24 A From the chlamydia that I was given, yes.

25 Q And so I guess my question is is that pain

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1 physically and get a new case, so I got -- I think I got
2 a perfect class of PTSD.

3 Q And have you seen any -- have you sought
4 treatment for these emotional injuries?

5 A Yes, yes, I been. I been have PTSD for over
6 20 years, and the reason why I have PTSD for over 20
7 years is back in Rikers Island, under my left eye, I got
8 a three-inch titanium tape -- plate where the officers
9 crushed my eye socket fighting me on Rikers island. So
10 I already have PTSD and I was getting a Social Security
11 check from the United States Government once a month for
12 PTSD.

13 Q I guess after the incident with Officer
14 Brumfield, have you received treatment for the
15 psychological injuries while in DOC and upstate custody?

16 A Oh, yes, yes, yes, yes. Yes, I have. Yes, I
17 continue psych to this very day.

18 Q How often do you seek psychological treatment?

19 A I take a pill every day since that incident.

20 Q And how often do you meet with counselors or
21 doctors for psychological --

22 A Since I've been here, I'm in a -- I'm in a
23 group, mental health group that meet once a month on a
24 first Thursday of every month. First full Thursday of
25 every week, not every month. Since I been in Mid-State

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1 Correctional Facility.

2 Q How often would you receive psychological
3 treatment in DOC custody after this incident?

4 A I probably say over 1,000 times already.

5 Q Would that be once a week?

6 A I get medicine every day. They check it once
7 a week. I got pamphlets, literature. I got -- they
8 read it, they mark it, they grade it. So, yeah, it's
9 been every day, every month, every week since this
10 incident.

11 Q And you mentioned, you know, you had some
12 suicidal feelings after this incident.

13 A Yes, numerous. Numerous. Numerous suicide
14 attempts I had since this incident.

15 Q Did you ever have any before this incident?

16 A Yes.

17 Q You also mentioned that you had PTSD before
18 this incident?

19 A Yes.

20 Q You mentioned over 20 years ago?

21 A Yes, I got a titanium plate in my eye from
22 officers crushing my left orbital floor, and I was
23 receiving SSI checks all the way up to 2019 from the
24 United States Government for PTSD.

25 Q Do you know approximately what year that

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1 every time I go to court. Right now I have no suit. My
2 property is missing.

3 Q When you say West Facility, is that GRVC or a
4 different facility?

5 A No, that's a different facility. They -- when
6 I didn't comply in GRVC with Ms. Campbell, they sent me
7 to West Facility as a punishment. They said you are not
8 going to see your family no more and they deaded my
9 visits.

10 Q Is West Facility on Rikers Island?

11 A Yes, it's on Rikers Island. Yes, it's a --
12 supposed to be a TB facility, like, for viral viruses,
13 but they have created like a separate box for people who
14 don't follow rules or programs. I was in there until I
15 said, "Please, I'm willing to comply," then they took me
16 out, so I stayed there for about a month.

17 Q Do you know approximately -- I mean, losing
18 this property, do you know approximately how much it's
19 all worth?

20 A Oh, yes, yes, yes. It's -- it cost about 3 to
21 4,000.

22 Q And did you pay for these clothes or did
23 family members?

24 A Family paid for the clothes with my money. I
25 had \$1500 in savings. They put \$1500 with it and they

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1 inmate's pin number so my voice was on other inmates'
2 pin numbers.

3 And the only way that's possible, if a captain
4 brings me to a cell located in the intake area, and that
5 cell is watched by four to five officers watching me
6 activate your pin number.

7 Q Do you know which inmate pin number you used?

8 A I don't, but I do have it written down in my
9 diary. I do know I wrote it down and I called 311 and
10 let them know that, too, that these officers are giving
11 me pin numbers to activate other people pin numbers.

12 Q So I guess along those lines, because, you
13 know, we have -- there's some phone call recordings that
14 it sounds like it's your name, like, "Hey, it's Kwaine
15 Thompson."

16 A Yes.

17 Q With different pin numbers so that --

18 A Yes.

19 Q -- could be?

20 A Yes, yes, there's other pin numbers where,
21 let's say, Kwaine Thompson, but it's different numbers.
22 If you look at the number, the booking case number it's
23 coming from, it's not mines. It just says my name.

24 Q Then is there -- if it's all right, I would
25 like to play just two parts of, like, a call just to see